

Message Text

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ACTION IO-14

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TO SECSTATE WASHDC NIACT IMMEDIATE 6462

INFO AMEMBASSY SANTIAGO IMMEDIATE

USMISSION USUN NEW YORK

LIMITED OFFICIAL USE SECTION 01 OF 02 GENEVA 03021

E.O. 11652: N/A

TAGS: UNHRC, SHUM, CI

SUBJECT: 34TH HUMAN RIGHTS COMMISSION, HUMAN RIGHTS IN
CHILE, AGENDA ITEM 5

1. FOLLOWING IS DRAFT TEXT OF STATEMENT ON SUBJECT
ITEM WHICH USREP MEZVINSKY INTENDS TO GIVE AT HRC A.M.
FEBRUARY 27.

2. BEGIN TEXT. MR. CHAIRMAN,

LAST THURSDAY THIS COMMISSION RECEIVED THE THIRD REPORT
PREPARED BY OUR AD HOC WORKING GROUP TO EXAMINE THE
SITUATION OF HUMAN RIGHTS IN CHILE. THIS GROUP HAS
PREPARED SIX REPORTS IN ALL, INCLUDING THREE FOR THE
GENERAL ASSEMBLY; OUR COMMISSION HAS BEEN DISCUSSING THE
PRESENT AGENDA ITEM SINCE 1974. FOUR YEARS HAVE PASSED.
WE STILL PERSIST IN OUR EFFORTS TO BRING OUR INFLUENCE
TO BEAR SO AS TO IMPROVE THE HUMAN RIGHTS SITUATION IN
CHILE. WE CAN TAKE NO OTHER COURSE. THIS IS OUR MISSION
AS A COMMISSION--TO HELP THOSE INDIVIDUALS WHO SUFFER
FROM HUMAN RIGHTS VIOLATIONS WHEREVER THEY MIGHT OCCUR.

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IN CHILE--IN OTHER COUNTRIES. IT IS THE PEOPLE EVERYWHERE
WHO ARE OF CONCERN TO US, EVEN THOUGH IT IS WITH GOVERN-
MENTS THAT WE MUST DEAL.

THE RECORD OF POSITIVE ACCOMPLISHMENT THROUGH OUR EFFORTS
TO ALLEVIATE THE HUMAN RIGHTS SITUATION IN CHILE IS NOT
ONE WHICH GIVES US GROUNDS FOR ENCOURAGEMENT. TRUE

THERE HAS BEEN A MEASURE OF IMPROVEMENT IN THE SITUATION IN THAT COUNTRY, AND WE ARE HAPPY TO RECOGNIZE THIS. THIS IMPROVEMENT HAS BEEN RECOGNIZED BY THE AD HOC WORKING GROUP ITSELF. NUMEROUS POLITICAL DETAINEES HAVE BEEN RELEASED. THERE HAS BEEN A REDUCTION IN THE NUMBER OF ARRESTS SINCE 1977, AND REPORTS OF TORTURE HAVE DROPPED OFF CONSIDERABLY. BUT OUR OVERALL CONCERNS REMAIN BECAUSE THE HUMAN RIGHTS PICTURE WHICH IS PRESENTED TO US IN THIS MOST RECENT REPORT IS STILL EXTREMELY DEPRESSING, IS STILL ONE WHICH FALLS FAR SHORT OF THE SITUATION WHICH EXISTED IN THAT COUNTRY FOR SO MANY YEARS WHEN THE GOVERNMENT OF CHILE WAS A LEADER IN THIS ORGANIZATION IN SUPPORTING UN ACTIONS TO PROMOTE AND PROTECT HUMAN RIGHTS. NO ONE IN THIS ROOM CAN READ THIS REPORT WITHOUT A STRONG FEELING OF DISMAY THAT THE SITUATION IN THAT COUNTRY STILL REMAINS CRITICAL FOR THE INDIVIDUAL PERSON. CONSTITUTIONAL PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IS STILL LACKING. PERSONS DETAINED BY SECURITY AGENCIES CONTINUE TO DISAPPEAR, THOUGH AT A RATE SIGNIFICANTLY LESS THAN IN THE PAST. INTIMIDATION OF INDIVIDUALS, REFUSAL TO RESPECT THE LIBERTY AND SECURITY OF PERSONS OCCURS ALL TOO FREQUENTLY. POLITICAL RIGHTS HAVE EVEN BEEN SET BACK IN THE YEAR 1977 WITH THE DISSOLUTION OF ALL REMAINING POLITICAL PARTIES AND THE PROHIBITION OF ANY POLITICAL ACTIVITIES OF ANY KIND. FREEDOM OF EXPRESSION IN CHILE AND THE RIGHT TO BARGAIN COLLECTIVELY LIMITED OFFICIAL USE

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IS INCREASINGLY LIMITED. THIS IS NOT A HAPPY PICTURE, AND THIS COMMISSION CANNOT IGNORE IT, EVEN THOUGH I FEEL CERTAIN THAT WE ALL SENSE FRUSTRATION AT THE APPARENT INABILITY OF THIS BODY AS A WHOLE AND ITS AD HOC WORKING GROUP TO INFLUENCE SIGNIFICANTLY POLICIES OF THE GOVERNMENT OF CHILE IN THE DIRECTION OF A RE-ESTABLISHMENT OF BASIC HUMAN RIGHTS IN THAT COUNTRY.

THERE ARE MANY ASPECTS OF THE CHILEAN SITUATION WHICH CONCERN MY GOVERNMENT IN ADDITION TO THE BASIC HUMAN RIGHTS QUESTIONS. THIS COMMISSION AND THE GENERAL ASSEMBLY HAVE GIVEN CAREFUL AND REPEATED ATTENTION TO THE CHILEAN SITUATION. WE HAVE HEARD DURING OUR DEBATE THIS YEAR A SERIES OF STATEMENTS, MANY OF WHICH ARE ECHOES OF STATEMENTS MADE AT PREVIOUS SESSIONS--AND ALL OF WHICH CONDEMN CHILE IN THE MOST SERIOUS TERMS. EACH TIME THIS DEBATE HAS TAKEN PLACE CERTAIN ANOMALIES HAVE BECOME INCREASINGLY STRIKING. MANY OF THOSE WHO JUDGE THE GOVERNMENT OF CHILE MOST HARSHLY SPEAK AS REPRESENTATIVES OF GOVERNMENTS WHOSE OWN HUMAN RIGHTS RECORDS FALL FAR SHORT OF THE STANDARDS WHICH THE UNITED NATIONS HAS PROCLAIMED FOR ITS MEMBERS. WE ARE ANNUALLY PRESENTED

WITH THIS TROUBLESOME CONTRADICTION--THAT GOVERNMENTS
JUDGING OTHERS RESIST JUDGMENT FOR THEMSELVES. THE GOOD
STANDING OF THIS COMMISSION REQUIRES THAT WE FACE UP TO
THE DOUBLE STANDARD WHICH IS FOUND IN OUR DECISIONS ON
CHILE AND OUR FAILURES TO ACT ON OTHER CASES. THE
GOVERNMENT OF CHILE CAN LEGITIMATELY COMPLAIN OF THIS
DOUBLE STANDARD. IT AFFECTS NOT ONLY THE VERY CREDIBILITY
OF THIS COMMISSION BUT ULTIMATELY ITS VIABILITY AS A
MEANINGFUL BODY.

TO DEAL MOST EFFECTIVELY WITH THE SITUATION IN CHILE

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THIS COMMISSION DECIDED IN 1975 TO ESTABLISH AN AD HOC
WORKING GROUP. OUR DECISION TO ESTABLISH THE WORKING
GROUP WAS TAKEN WITH HIGH HOPES THAT THIS COMMISSION
WOULD BE ABLE TO BRING ITS INFLUENCE TO BEAR IN
COOPERATION WITH THE GOVERNMENT OF CHILE TO REMEDY THE
HUMAN RIGHTS SITUATION IN THAT COUNTRY IN THE BASIC
INTERESTS OF THE PEOPLE OF CHILE. WE HAD THESE HIGH
HOPES AT THAT TIME BECAUSE WE HAD BEEN ASSURED BY THE
GOVERNMENT OF CHILE THAT IT WOULD WELCOME THE WORKING
GROUP AND THAT IT WOULD GIVE ITS FULL COOPERATION WHEN
IT VISITED CHILE. IT IS NOT USEFUL NOW TO REHASH THE
REASONS WHY AN IMPASSE HAS DEVELOPED BETWEEN OUR WORKING
GROUP AND THE GOVERNMENT OF CHILE. WE CANNOT ACCEPT
THAT THIS IMPASSE MUST OF NECESSITY CONTINUE. THE
WORKING GRUP HAS NOT BEENSET UP AS AN INSTRUMENT OF
CONDEMNATION OF THE GOVERNMENT OF CHILE. IT WAS SET UP
TO COOPERATE WITH THAT GOVERNMENT IN ACHIEVING GOALS

THAT WE ALL AGREE UPON--THE RESTORATION OF FULL RESPECT
FOR HUMAN RIGHTS IN THAT COUNTRY. IN OUR VIEW, IF THE
AD HOC WORKING GROUP WERE TO VISIT CHILE, ITS MISSION
WOULD BE ONE OF REPORTING UPON THE FACTS AND UPON ITS
IMPRESSIONS ABOUT THE WAY THE UNITED NATIONS AND THE
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GOVERNMENT OF CHILE COULD JOINTLY ACT TO BRING ABOUT THE
NECESSARY IMPROVEMENTS. QUITE FRANKLY, MY DELEGATION
CANNOT UNDERSTAND WHY THE GOVERNMENT OF CHILE CANNOT
FIND A WAY TO COOPERATE WITH THE AD HOC WORKING GROUP
IF THAT GOVERNMENT SERIOUSLY BELIEVES ITS OWN PUBLIC
PROTESTS THAT IT IS ACTING IN THE BEST INTERESTS OF
THE PEOPLE OF CHILE. WE THINK THAT THE AD HOC WORKING
GROUP WILL ACT IN GOOD FAITH AND OPERATE FAIRLY,
OBJECTIVELY, AND IMPARTIALLY. THIS IMPASSE SHOULD NOT
GO ON MUCH LONGER. WE EARNESTLY HOPE THAT THE WORKING
GROUP AND THE CHILEAN GOVERNMENT CAN FOLLOWING ADOPTION
OF OUR RESOLUTION AT THE PRESENT SESSION, SHOW THE
REQUISITE FLEXIBILITY TO ALLOW FOR THE ESTABLISHMENT OF
A FRUITFUL RELATIONSHIP WHICH CAN LEAD TO REAL PROGRESS
IN THE MONTHS AHEAD. IN ANY CASE, WE CANNOT GIVE UP
IN SPITE OF THE IMPASSE THAT HAS DEVELOPED. BUT WE DO
NOT GRANT THAT ANY COUNTRY, INCLUDING CHILE, CAN FORCE
THE UNITED NATIONS TO CEASE PURSUING ITS CHARTER MANDATE,
TO PROMOTE HUMAN RIGHTS THROUGHOUT THE WORLD.
I APPEAL TO THE GOVERNMENT OF CHILE TO OPEN ITS DOORS
TO THE AD HOC WORKING GROUP--TO DEMONSTRATE ITS GOOD
FAITH IN COOPERATING IN THIS JOINT UNDERTAKING, SO THAT
THE PEOPLE OF CHILE WILL BE THE REAL BENEFICIARIES. END
TEXT. VANDEN HEUVEL

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